

for robbery, residential burglary, and drug dealing. As it did at sentencing in 2021 when it imposed a sentence at the low end of the then-applicable guideline range, the Court has also considered Lee's chaotic and violent upbringing, the fact that he suffered from anxiety and PTSD, and his significant family support.

The Court did not impose the 135-month jail sentence in this case merely because it was at the low end of the range, but rather because the Court believed then, as it does now, that 135 months' imprisonment is the minimum necessary to reflect the serious nature of Lee's offenses as well as the need to promote respect for the law, provide just punishment, deter Lee from future criminal conduct, and protect the public from further crimes of the defendant. The Court continues to believe that the most significant of these factors is the need to protect the public.

To reduce Lee's term of imprisonment now, simply because his criminal history category no longer takes into account the fact that he was on supervised release at the time of the offense, would disregard all of the other Section 3553(a) factors.

Moreover, Lee's lengthy criminal history and the fact that at the time of the offense he was on supervised release are highly relevant to the Court's consideration of whether Lee poses a danger to the community if his jail sentence is reduced. Having considered Lee's high risk of recidivism, the Court believes he does pose such a danger.

Regarding Lee's post-sentencing conduct, the Court has considered the fact that during his incarceration, Lee has received no disciplinary sanctions and has successfully participated in multiple education programs. The Court has also considered all of the other factors pointed out by defense counsel that have made Lee's incarceration particularly difficult. But those circumstances simply do not warrant a reduced term of imprisonment, for the reasons set forth above.

Accordingly, Lee's motion for a reduction of his term of imprisonment is DENIED.

Dated: March 4, 2024
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge